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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2006 NOV 16 A 9 27

DOCKETED

NOV 16 2006

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
WEST END WATER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-01157A-05-0706

PROCEDURAL ORDER

BY THE COMMISSION:

On October 5, 2005, West End Water Company ("West End" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an Application for an extension of its existing Certificate of Convenience and Necessity ("Certificate").

On February 3, 2006, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency.

On March 28, 2006, the City of Surprise ("Surprise") filed an Application for Leave to Intervene. By procedural order, on April 18, 2006, Surprise was granted intervention.

On May 22 and 24, 2006, a hearing was convened before a duly appointed Administrative Law Judge of the Commission.

On July 18, 2006, Surprise docketed its Notice of Filing of Request for Service and Will Serve Letter.

On July 21, 2006, Staff filed its Request to Suspend the Briefing Schedule and Re-Open Hearing, stating that there were new factual questions relating to the request for service that should be addressed at hearing.

On July 24, 2006, West End docketed its Joinder in Staff's Request to Suspend Briefing Schedule and Re-Open Hearing. Surprise docketed its Response to Staff Request to Suspend Briefing Schedule and Re-Open Hearing, wherein it objected to re-opening the hearing in this matter, although it stated it had no objection to suspending the briefing schedule.

On August 16, 2006, by Procedural Order, a supplemental hearing was scheduled for

1 September 13, 2006 to take evidence on the issues that had arisen since the May 2006 hearing.

2 On September 13, 2006, a hearing was reconvened before a duly appointed Administrative
3 Law Judge of the Commission in order to address the matter of a request for service to the extension
4 area. Based on the testimony and exhibits presented at hearing, closing briefs were ordered.

5 On November 13, 2006, Surprise docketed its Notice of Filing of Transcript of 9/7/06 Hearing
6 Before the Maricopa County Planning and Zoning Commission and Request for Short Extension for
7 filing Response Briefs, until November 21, 2006. Surprise stated that Staff had no opposition to a
8 short extension for filing Response Briefs in this matter, and requested that the transcript be admitted
9 as a late-filed exhibit.

10 On November 14, 2006, West End filed its Response to Intervenor's Notice of Filing and
11 Request for Short Extension, stating its opposition to the extension. West End stated that it does not
12 object to admitting the late-filed exhibit offered by Surprise, but asked that the record reflect that the
13 transcript was prepared by Surprise from an audio recording of the hearing.

14 Although West End opposed a short extension, no prejudice to any party will accrue, and the
15 extension will allow all parties the time needed to fully brief all the issues, inclusive of the newly
16 filed Maricopa County Planning and Zoning transcript.

17 IT IS THEREFORE ORDERED that the transcript of the September 7, 2006 Maricopa
18 County Planning and Zoning Commission attached to Surprise's November 13, 2006 filing in this
19 docket, shall be, and hereby is, admitted into evidence.

20 IT IS FURTHER ORDERED that **simultaneous response briefs** shall be filed by the parties
21 in this matter no later than **November 21, 2006**

22 IT IS FURTHER ORDERED that the timeclock in this matter continues to be suspended.

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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 Dated this 16 day of November, 2006

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7 
8 AMY BJELLAND
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
this 16th day of November, 2006 to:

11 J. Scott Rhodes
12 JENNINGS STROUSS & SALMON
13 201 East Washington Street, 11th Floor
Phoenix, AZ 85004

14 Joan S. Burke
15 Danielle D. Janitch
16 OSBORN MALEDON
2929 N. Central Avenue, Ste. 2100
Phoenix, AZ 85012
Attorneys for the City of Surprise

17 City Attorney
18 City of Surprise
12425 West Bell, Ste. D100
19 Surprise, AZ 85374

20 Christopher Kempley, Chief Counsel
21 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
22 Phoenix, AZ 85007

23 Ernest G. Johnson, Director
24 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
25 Phoenix, AZ 85007

26
27 By: 

28 Debbi Person
Secretary to Amy Bjelland